



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 11/2/00

AGENDA ITEM 2

To: Planning Commission

From: Richard Patenaude, Acting Principal Planner

Subject: Use Permit/Site Plan Review Application No. 00-160-1 1 – GRAE Ventures, Inc. (Applicant) / Sellau Properties, Inc. & Wirrulla I-Iayward, LLC (Owners) – Request for a Retail Center to Accommodate a 129,600-Square-Foot Regional Retail Building with an Associated 4-Bay Membership Gas Station, and a Pad for a Future 25,000-Square-Foot Subregional Retail Building, on Approximately 13 Acres – *The Project Is Located at the Northeast Corner of Whipple Road and Industrial Parkway Southwest*

RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the City Council adopt the Mitigated Negative Declaration, and approve the Use Permit/Site Plan Review Application subject to the attached findings and conditions of approval. which includes the elimination **of the** proposed gas station.

DISCUSSION:

This project is a request for a use permit/site plan review to accommodate construction of a retail center on approximately 13 acres, including a 129,600-square-foot regional retail building with an associated 4-bay membership gas station, and a pad for a future 25,000-square-foot subregional retail building. For comparison of size. the *Costco Business Center* building at West A Street and Hathaway Avenue contains approximately 105,000 square **feet**, and the proposed *The Home Depot* at Hesperian Boulevard and Sueirro Street contains 107,920 square feet with an accessory 23,928-square-foot garden center

The proposed development. known as Hayward Plaza, is located within the "T" District at the southern gateway to Hayward. The site is designated as "Industrial Corridor" on the General Policies Plan Map. The Zoning Ordinance specifically recognizes this site as a prime location for regional or sub-regional retailers due to its location at the junction of two arterial roadways, access to the Nimitz Freeway (I-880), and high visibility. Commercial retail development of this nature is allowed in the "T" District on minimum 4-acre parcels visible from the freeway with the

Planning Commission's approval of a Conditional Use Permit. Although the project may include parcels or leasable areas of less than 4 acres, the project meets the intent of the **Zoning Ordinance** in that the average parcel size exceeds 4 acres and the project area is 13 acres.

The project sponsor, GRAE Ventures, Inc., proposes to house a *Sam's Club* membership retail store in the 129,600-square-foot building. However, no tenant has been secured to date for the 25,000-square-foot building. A condition of approval requires that the future tenant be a regional or subregional retail use consistent with the requirements of the Industrial District.

The applicant also proposes a 4-bay membership gas station associated with *Sam's Club* to be located at the northeast corner of Industrial Parkway Southwest and Whipple Road. Staff recommends that the gas station not be approved as part of this project. This intersection is at a primary entrance to the City, and this location will be the most prominent as northbound vehicles exit the Nimitz Freeway to access the industrial corridor of Hayward. In staff's opinion, the gas station detracts from the views into the site and does not present a gateway image. The City's Design Guidelines call for an "image zone" at **major** intersections to create a strong sense of entry for the project and, in this case, the City. This zone is currently designed for a master sign and landscape feature; the lightweight appearance of a gas station canopy, especially against the solid presence of the primary structures, detracts from this feature.

Because the gas station would serve only *Sam's Club* members, it would not necessarily serve a community need. In fact, there are two other gas stations in the immediate **vicinity** to serve this purpose. Furthermore, because the gas station would be on a separate parcel, the City would not have the authority to require an on-going association between the retail store and the gas station.

Should *Sam's Club*, or a future tenant, decide not to operate the gas station, independent operation of the gas station could occur. Staff believes that the site plan is not conducive to independent operation of the gas station, as there **is** no access to the gas station independent from the project entries to serve the customers or the delivery trucks. Users of the gas station must make their way through parking lot aisles, creating conflicts with vehicles searching for parking spaces.

The City Council Commercial Center Improvement Committee (CCCCIC), at its meeting **of** July 17, 2000, also recommended that the gas station not be located at this prime location. In a similar situation, the Planning Commission denied a membership gas station for *Costco* on November 18, 1999, because it was not consistent with the goals and objectives of the Economic Development *Element* in that it would not fulfil an unmet need for a service that is currently lacking. While the applicant prefers to retain the gas station as part of the project, it is comfortable accepting the Planning Commission determination.

Setting

The eastern portion of the site is currently vacant of structures, contains weeds, and is surrounded by a 6-foot chain-link fence. The western portion is currently occupied by a one-story, approximately 20-foot-high, **steel** building and a 8-foot-high portable building. These buildings will be demolished to accommodate the proposed development.

An Alameda County flood control channel is located between the property and Industrial Parkway Southwest. It is about 35 **feet** wide and 6 feet deep. The existing culvert within the

flood control channel, which currently allows for access to the western portion of the site, will be removed. A new larger-volume box culvert will be installed across the channel at the new access. A California Fish & Game Streambed Alteration Agreement will be required for the changes made to the channel.

Site Plan

Access to the site is provided from four driveways: a driveway on Industrial Parkway SW (across a new box culvert crossing the Alameda County Flood Control channel), two driveways on Whipple Road, and a driveway on Wiegman Road. All driveways will be **stop** sign controlled for vehicles exiting the site. Truck access is provided from the easternmost driveway on Whipple Road and the driveway on Wiegman Road.

The larger Sam's *Club* building is proposed at the southeast corner of the site along Whipple Road with the storefront facing Industrial Parkway Southwest and the loading area facing Wiegman Road. The smaller building is set back in the northwest portion of the site toward Industrial Parkway SW, facing Whipple Road. The applicant believes that the proposed site plan best utilizes the property, given its awkward shape and the need to screen the truck loading and the auto repair/tire facility. The building locations also provide better visibility from the freeway.

Approximately 3½ acres of wetlands have been identified on the site. The project proposes to preserve approximately one-half acre of wetlands between *Sam's Club* and Whipple Road and mitigate the remainder off-site. The wetland proposed for preservation is buffered with landscaping around the perimeter to enhance the area and provide a transition between the wetland and the developed site. The project also proposes to compensate for the unavoidable loss of the remaining 3 acres of wetlands through either the purchase of appropriate mitigation credits from an agency-approved mitigation bank or off-site, in-kind habitat restoration, at a 1: 1 ratio.

A Request for Verification of the Wetland Delineation and Pre-Construction Notification was prepared by ECORP Consulting, Inc., on February 10, 2000 and revised on April 19, 2000 ("Wetland Delineation"). According to that report, the California Department of Fish and Game's Natural Diversity Data Base ("NDDDB") identifies no occurrences of special-status species within the Industrial Parkway project site. Based on a rare plant survey conducted on the site, it was concluded that there are no federally listed plants on the site. Raptor and burrowing owl surveys were also conducted, which resulted in the determination that no nesting raptors or burrowing owls presently occur on-site. The Army Corps of Engineers has jurisdiction in the wetlands. The developer will be required to obtain a Department **of** the Army Individual Permit, and a Section 401 Water Quality Certification.

Architecture and Landscaping

The buildings are designed in a classical architectural theme with strong detailing and a variety of textures that complement surrounding industrial and retail uses alike. Red split-face concrete block with black aggregate is proposed for the main building walls. The tan-colored molded cornice and scored stucco band below is highlighted with black concrete block detailing. Pilasters on all elevations establish a rhythm and break up the long horizontal building lines.

Each pilaster is accented with an architectural element at the roofline. A raised parapet and steel-framed canopy emphasize the main entries.

The Hayward Design Guidelines require private property improvements along major street corridors to develop a quality image of the City of Hayward. As recommended by the CCCCIC, an entry statement consisting of a decorative wall, with significant landscape materials, is proposed at the corner of Industrial Parkway SW and Whipple Road to provide a signature statement as the property is approached from the freeway. A condition of approval also requires that, as part of the Precise Plan, a detailed landscape and irrigation plan be prepared by a licensed landscape architect and submitted for review and approval by the Planning Director. A combination of vertical-growth landscaping and vine-covered trellises will be provided along all elevations of both buildings to soften the visual impact of building mass. A similar landscape treatment may be seen along the freeway-side of Wal-Mart: on the westerly side of I-880 and on The Home Depot to the north of the project. All loading areas will be screened with walls and landscaping.

External Traffic

A Traffic Impact Analysis, dated September 7, 2000, was prepared by Kimley-Horn & Associates, Inc. The proposed project is expected to generate 7,238 ADT, with 140 AM and 541 PM peak hour trips. The analysis showed that project traffic would cause one intersection, Whipple Road/Industrial Parkway SW, to exceed the City's LOS D requirement during both the AM and PM peak hours. To mitigate this impact, a westbound through-lane and a westbound right-turn lane will be required on Whipple Road. To achieve the additional through-lane, on-street parking will be removed from the southerly side of Whipple Road.

The intersection of Whipple Road/SB I-880 ramps/Dyer Street will exceed the City's LOS threshold. However, the project will not have a significant impact, as this intersection will experience lower than a 5-second average intersection delay increase as a result of project traffic. There are no available mitigation measures that would improve this condition.

Signage

A sign program is included for review along with the project plans. However, the applicant has proposed an excessive number of signs, making the program inconsistent with the City's Sign Ordinance. It is recommended that the applicant continue to work with staff in revising the program as described below for submittal with the Precise Plan.

The proposed sign program includes a freeway-oriented sign with tenant sign panels, and 4 monument-style signs. The design and materials reflect those used on the buildings and further establish the retail center's identity. The freeway sign is allowed provided the development is considered as a whole, however the addition of only two monument signs should be permitted.

Staff recommends that the freeway sign (shown on page 14 of the Sign Program) be located at the Whipple/Industrial corner and that the monument signs (shown on page 16) be placed at the two primary driveways. Directional signs, to a maximum of 6 square feet, that include the center's name and tenant logos only, are recommended to identify the entrance from Wiegman Road and the easterly Whipple Road driveway. All sign panels should be treated with an opaque, matte finish and only letters and logos should be illuminated.

ENVIRONMENTAL REVIEW:

The project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Checklist was prepared for the project.

Issues with potentially significant impacts discussed in the checklist were in regard to air quality, geologic/seismic, traffic/circulation and wetland/riparian conditions. It was determined that the proposed project, as conditioned to include the recommended mitigation measures, could not result in significant effects on the environment. Therefore, a mitigated negative declaration was filed on October 2, 2000.

The project is subject to the issuance of a Department of the Army Individual Permit, a Section 401 Water Quality Certification, and a California Department of Fish & **Game** Streambed Alteration Agreement regarding the wetlands mitigation plan and the improvements to the flood control channel. This project is subject to, and shall comply with, all requirements and conditions of these permits, certifications and agreements. Any modification to this use permit, and its conditions of approval, due to compliance with these permits, certifications and agreements shall require review and approval by the Planning Director.

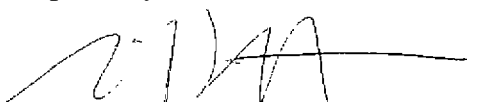
PUBLIC HEARING NOTICE:

On October 2, 2000, a Notice of Public Hearing and Notice of Preparation of the Mitigated Negative Declaration was mailed to every property owner and occupant within 300 feet of the property as noted on the latest assessor's records and to all parties having previously expressed an interest in this project.

CONCLUSION:


GRAE Ventures' proposal for a regional-based retail center is consistent with the City's goals and policies for development on this site and provides an anchor at Hayward's southern gateway. The proposed center will provide a retail/service option not currently provided in the City of Hayward. The architecture, building materials and signage establish a new design theme for this area of the City while remaining compatible with the industrial nature of the corridor. With the proposed conditions of approval, and the elimination of the gas station, staff recommends that the Planning Commission recommend approval of this project to the City Council.

Prepared by:



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Acting Principal Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Findings for Approval
- B. Conditions of Approval
- C. Area Map
- D. Mitigated Negative Declaration/Environmental Checklist/Mitigation Monitoring Plan Plans

FINDINGS FOR APPROVAL
Use Permit/Site Plan Review No. 00-160-11
Whipple Road @ Industrial Parkway SW
GRAE Ventures, Inc. (Applicant)
Sellau Properties, Inc. & Wirrulla Hayward, LLC (Owner)

Based on the staff report and the public hearing record:

- A. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
- B. The project is in conformance with the General Policies Plan Map designation of Industrial Corridor. It has been determined that regional and subregional retail uses may be compatible on lands within the Corridor, which also have direct access to major transportation routes. The subject property is located proximate to the Nimitz Freeway (Route I-880).
- C. The project is in conformance with the intent and purpose of the Zoning Ordinance designation of Industrial (I) as proposed. Such district permits regional and subregional retail uses provided that such use complies with the General Policies Plan and that such uses are located on properties in excess of 4 acres. The subject property contains approximately 13 acres.
- D. The development, as conditioned, will provide a use that will be in conformity with applicable performance standards, will be appropriate in size, location and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding commercial and industrial development in that the proposed use is permitted at this location. The project shall comply with the Hayward Design Guidelines, the Landscape Beautification Plan and all other applicable performance standards.
- E. The proposed gas station is *not* desirable for the public convenience or welfare in that there are adequate services available in the immediate area and that the use of the gas station, as proposed, is limited on a membership basis. The gas station further impedes compliance with the City's design guidelines in that its operation and design is a detriment to this important image zone for the City of Hayward.
- F. The surrounding streets and utilities, with the required modifications, are adequate to serve the development.

- G. The project will not affect population projections, induce substantial growth or displace existing housing.
- H. The project site is not located within a "State of California Earthquake Fault Zone." Construction related to this project will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground-shaking.
- I. The project site contains 3.43 acres of wetlands and a channelized flood control facility. The wetlands is under the jurisdiction of the Army Corps of Engineers. Although the wetlands supports only limited aquatic life, it will be **subject** to the conditions of a Department **of** the Army Individual Permit, a Section 401 Water Quality Certification, and a California Department of Fish & Game Streambed Alteration Agreement. No endangered, threatened or rare species are known to inhabit the project site.
- J. A requirement to reduce **dust** generation and exhaust emissions during construction will reduce air quality impacts to a level of insignificance.
- K. The project provides an additional westbound right-turn lane and a westbound through-lane at Whipple Road/Industrial Parkway SW. Intersections will continue to operate at LOS D or better.
- L. Construction related to this project will be designed to perform to applicable codes. and, therefore, would not be in conflict with adopted energy conservation plans.
- M. The Fire Department will require appropriate measures to reduce any release of hazardous materials below an acceptable level of risk.
- N. The project will have no effect on government services or utilities.
- O. No known archaeological or paleontological resources exist on the project site.

CONDITIONS OF APPROVAL
Use Permit/Site Plan Review No. 00-160-11
Industrial Pkwy. SW @ Whipple Rd.
David Gilmore for GRAE Ventures Inc. (Applicant)
Wirulla Hayward LLC & Sellau Properties, Inc. (Owner)

Planning Division

1. Use Permit/Site Plan Review No, 00-160-11 to accommodate construction of a commercial retail center consisting of a 129,600-square-foot retail building, and a pad for a future 25,000-square-foot retail building, shall be constructed according to these conditions of approval and the plans approved by the City Council on November 2, 2000. The tenants of both buildings shall be regional or subregional retail establishments.

This approval is void one year after the effective date of approval unless prior to that time an extension is approved. Any modification to this permit shall require review and approval by the Planning Director. A request for a one-year extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior to November 2, 2001.

3. The project is subject to the issuance of a Department of the Army Nationwide 26 Permit, a Section 401 Water Quality Certification, and a California Department of Fish & Game Stream Alteration Agreement. This project is subject to, and shall comply with, all requirements and conditions of these permits: certifications and agreements. Any modification to this use permit, and its conditions of approval, due to compliance with these permits, certifications and agreements shall require review and approval by the Planning Director.
4. Unless otherwise required, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director prior to final inspection and occupancy of any structures.
5. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
6. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.
7. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by fire codes and within areas designated for

outdoor display of merchandise for sale. No material shall be stacked higher than the height of the trash enclosure screen wall and gate.

8. Tenant management shall take reasonable necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises to the degree that surrounding commercial uses would not be bothered and that loitering is not permitted.
9. Sidewalks and parking lots must be kept free of litter and debris and to minimize the amount of wind-blown debris into the wetlands mitigation area and surrounding properties. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. No cleaning agent may be discharged to the storm drain. If any cleaning agent or degreaser is used, washwater shall not discharge to the storm drains; washwaters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City wastewater treatment plant. Mechanical groundskeeping activities, such as leaf blowers and parking lot sweepers, shall be limited to daylight hours only; early morning hours shall be avoided as much as possible.
10. A minimum of two trash receptacles shall be placed at each customer entry to both buildings. Trash receptacles shall be a decorative, pre-cast concrete type with a self-closing metal lid.
11. No vending machines shall be displayed outside the building, except for newspaper racks.
12. The applicant, owner(s) and/or tenants shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
13. Delivery vehicles shall access the site from Wiegman Road or the most-easterly Whipple Road driveway only.
14. The site must be surveyed for burrowing owls during the nesting season (February 1 – August 31) to determine if owls occur on the site or within 250 feet of the site. The methods must follow the Department of Fish & Game's survey protocol. The survey report will be submitted to the Department of Fish & Game (DFG) for review and approval. If Owls are observed during the surveys (or have nested on the site within the last three years) a burrowing owl habitat map and mitigation plan must be prepared by a qualified ornithologist. Impacts to the burrowing owls shall be mitigated through the protection and enhancement of off-site habitat at a 1: 1 acreage replacement ratio. Written verification that the DFG has approved the mitigation plan must be submitted to the Planning Division before a grading permit will be issued. Within 30 days prior to any site alteration, pre-construction surveys for burrowing owls must be conducted and the report must be submitted to the DFG for review and approval. If owls are observed during the pre-construction surveys, no impacts will be allowed during the nesting season. Verification that the DFG has determined that the pre-construction surveys are adequate must be provided to the Planning Division.

Design

- 1.5. Shopping cart storage and retrieval area(s) shall be screened from view from the parking lot and adjacent streets and properties by a solid masonry wall at least 3 feet in height. The materials and colors of this wall shall be consistent with those of the structure. Adequate retrieval areas shall be placed within the parking lot.
16. All roof mechanical equipment and any satellite dish shall be fully screened from ground-level view within 150 feet of the property.
17. Prior to occupancy and the installation of any signs, the applicant shall submit a Sign Permit Application to the Planning Director for review and approval: subject to the following:
 - a. compliance with the City of Hayward Sign Regulations;
 - b. the sign program may include one freeway-oriented sign, and two monument signs (one per street frontage);
 - c. the base and framing of any freestanding/monument sign shall reflect the architectural design, colors and materials of the building;
 - d. wall signs shall use individual channel letters;
 - e. directional signs shall not exceed 6 sq.ft. in area per face and 3 feet in height; and
 - f. the applicant/business operator shall not display any illegal banner signs, portable signs or other illegal signs on the property.
18. Exterior lighting for the establishment shall be maintained which is adequate for the illumination and protection of the premises but does not exceed a light level that provides glare to motorists, nor spills onto nearby properties, or up into the sky. The fixtures shall be designed to keep the light from spilling onto adjacent properties. Within the parking lot, the minimum requirement is 1-foot candle of light across the entire surface. Luminaires shall be of a design that complements the architectural style of the building and the landscaping in developing a quality image of the City of Hayward and shall be approved by the Planning Director. The maximum height of the luminaires shall be no greater than the height of the structures unless otherwise permitted by the Planning Director. The lighting, and its related photometric, plan shall be reviewed and approved by the Planning Director.

Landscaping

The applicant shall submit detailed landscaping and irrigation plans prepared by a licensed landscape architect for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance and the following requirements:

- a. Parking areas shall include a minimum of one 15-gallon parking lot tree for every six parking stalls. The minimum dimension of any new tree well or landscape median shall be five feet, measured from back of curb.
- b. Parking areas shall be buffered from the street with shrubs. Where shrubs are used for buffering, their type and spacing shall create a continuous 30-inch high screen within two years. In compliance with this condition, additional shrubs will be required along Industrial Parkway SW and Whipple Road.

- c. All blank building façades shall be softened with a combination of vertical-growth landscape materials and vines on decorative trellises.
 - d. Planters shall incorporate a temporary decorative barrier to protect plant materials from pedestrian traffic and shopping carts until plants have matured.
 - e. Above ground utilities (e.g. gas or electric meters, backflow devices) shall be screened from the street with shrubs.
 - f. Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the adjacent finished pavement.
 - g. Landscaping contiguous with the wetlands mitigation area shall provide a compatible transition zone between the site and wetland vegetation. The wetlands mitigation area shall be vegetated as recommended in the wetland mitigation plan,
 - h. A decorative fence, to be approved by the Planning Director and the Fire Chief, and which meets the conditions and requirements of the Department of the Army Nationwide 26 Permit, the Section 401 Water Quality Certification, and the California Department of Fish & Game Stream Alteration Agreement, shall be provided between the site and the wetlands mitigation area. Landscaping materials shall be installed along the northerly side of the fence that will provide a dense screen at least three feet high when mature. Until maturity is achieved, a temporary 3-foot-high screen shall be placed along the base of the fence to stem the flow of litter and debris from the parking lot; the Planning Director shall approve such screen.
 - i. Street trees, low shrubs and groundcover shall be planted along Industrial Parkway SW and Whipple Road. Trees shall be minimum 24-inch box planted 40 feet **apart** according to City Standard Detail SD-1 10.
 - j. Evergreen trees shall be planted every 20 feet along the northerly property line. Trees shall be minimum 15-gallon.
 - k. An 8-foot decorative masonry or pre-cast wall shall be constructed along the northerly property line. The wall shall be finished on both sides and include detailed pilasters with column and wall caps to match the building design. Wall details shall be approved by the Planning Director. The wall shall be landscaped with evergreen vines spaced 5 feet apart.
19. Landscaping shall be installed and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to issuance of a Certificate of Occupancy.
20. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% **dieback**) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

21. A landscape and general maintenance agreement shall be entered into between all property owners/tenants and recorded prior to issuance of any building permit. Such agreement shall address the common maintenance of the landscape areas and the parking lot and its fixtures, as well as litter pick-up. Such agreement shall be approved by the City Attorney.

Parking/Driveways

22. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance. The parking areas shall be paved with either Portland cement or asphalt concrete and the area shall be striped to designate the parking stalls. The Planning Director shall approve the design of the driveway, curbing and materials to be used. Aisles, approach lanes, drive-through lanes and maneuvering areas shall be marked and maintained with directional arrows and striping to control traffic flow.
23. Vehicular circulation areas shall be signed as a fire lane and posted for no parking except within designated parking stalls and pick-up areas.
24. The Industrial Parkway SW and the westerly Whipple Road driveway entries, between the property line and the first cross aisle, shall be enhanced with decorative pavement such as colored, stamped concrete (bomanite or equivalent), brick: concrete interlocking pavers, or other approved materials. The Planning Director shall approve the location, design and materials utilized,
25. A reciprocal, permanent and non-exclusive access and parking agreement shall be entered into between all property owners/tenants and recorded prior to issuance of any building permit. Such agreement shall include the installation and maintenance of lighting. Such agreement shall be approved by the City Attorney.

Building Division

26. Applicant shall apply for all necessary building permits from the Building Division. All structures, antenna and utility improvements shall be in accordance with the Uniform Building Code, National Electrical Code, Uniform Fire Code, and any applicable code as adopted by the City of Hayward.
27. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer prior to occupancy. The project plan shall identify Best Management Practices (BMPS) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into stormwater runoff. Prior to issuance of a building permit, a drainage plan shall be submitted that meets the approval of the Planning Director, and shall include the following:
- a. That all storm water is conveyed into City of Hayward or Alameda County Flood Control District facilities.
 - b. Structural controls such as oil/water separator, sand filter or fossil filter or other approved devices per applicant's discretion which accomplish the same shall be installed to intercept

- and treat storm water prior to discharging to the storm drain system. The design, location, and a maintenance schedule shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit.
- c. Erosion control measures to prevent soil, dirt and debris from entering the storm drain system during construction, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
 - d. The labeling of all on-site storm drain inlets in the shopping center with "No Dumping - Drains to Bay," using approved methods approved by the City.
 - e. The cleaning of all storm drains in the shopping center at least once a year immediately prior to the rainy season (October 15th). The City Engineer may require additional cleaning.
 - f. No storm water shall be discharged to the sanitary sewer without a Wastewater Discharge Permit, which will be issued only if there is no feasible alternative. This means that if washing takes place in the trash **area**, the wash water shall be discharged to the sanitary sewer. If this area is covered and protected from storm water runoff, a permit is not necessary.
 - g. Drains in any wash or process area shall not discharge to the storm drain system. Drains should connect to an approved collection system. The collection system is subject to the review and approval of the City Engineer prior to the issuance of a building permit.
 - h. Truck loading docks shall be constructed so to prevent run-off of drainage from outside the dock; and to minimize the discharge of dock area flows to the storm drain.
26. The National Pollution Discharge Elimination System (NPDES) standards shall be met. A Notice of Intent permit is required from the Regional Water Quality Control Board prior to the start of any grading. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and Implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order. The NPDES program shall include the following items:
- a. Gather all construction debris on a regular basis and place them in a dumpster or other container, which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
 - b. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
 - c. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
 - d. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season (October 1 5). 2) site dewatering activities, or 3) street washing activities, 4) saw cutting asphalt or

- concrete, in order to retain any debris or dirt flowing into the City storm drain system as necessary. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
- e. Create a contained and covered area on the site for the storage **of** bags of **cement, paints, flammables, oils, fertilizers, pesticides** or any other materials used on the project **site that** have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
 - f. Never clean machinery. **tools**, brushes, etc. or rinse containers into a street, gutter, storm drain or stream.
 - g. Ensure that **concrete/gunite** supply trucks or concrete/plasters finishing operations **do** not discharge washwater into street gutters or drains.
27. Water Pollution Source Control requirements shall include but not be limited to the following:
- a. No polluted **waters** from HVAC units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
 - b. All wastewater and washing operations shall be discharged to the sanitary sewer and not the storm drain, including mat cleaning and any washing of the trash area.
 - c. The sanitary sewer discharge from this facility shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge, including the 300-milligram per liter oil and grease limit. A monitoring structure (SD309) shall be constructed on the sewer lateral for each building.
 - d. Materials, gasoline spill, oil spill, heavy stains, radiator fluid, litter. etc. shall be picked-up by dry methods and sweeping so as not to pollute **stormwater** runoff.
 - e. All discharges and connections shall require approval from Water Pollution Source Control.
28. There are two deep-water wells located on **this** property. One of the wells has been destroyed; however, this well shall be destroyed by means set out under current standards of the Alameda County Public Works Agency (ACPWA) and the Alameda County Water District (ACWD). Any other wells on the property shall be located and destroyed in a similar manner. Field activities shall be coordinated with ACPWA and ACWD so that a well inspector can be present during the destruction of any wells. Contact the ACPWA, Water Resources Section. at 5 10-670-5554 to obtain the proper permits.

Utilities

29. Prior to issuance of a building permit, the developer shall submit gallon per minute demand to determine proper meter size.
30. Install Reduced Pressure Backflow Prevention Assembly per City of Hayward Standard Detail 202 on all domestic & irrigation water meters.
31. Installation of a separate irrigation meter to avoid sanitary sewer charges on water used for landscape purposes **is** recommended.

32. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
33. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate per Hayward Municipal Code 1 1-2.02.1 .
34. Water service shall be made available subject to standard conditions and fees in effect at time of application. Allow 4-6 weeks from time of application to installation of water services.
35. Sanitary connections for the new retail building shall be subject to the review, approval, and conditions of the City wastewater treatment plant.
36. All water mains shall be looped.
37. Any water or sewer services from Whipple Road will require a CalTrans permit.

Public Safety

38. The plans shall be submitted for proper building permits and fire permits. At that time, additional requirements will be addressed which pertain to the tenant usage, which will include storage of hazardous materials on storage racking, lumber storage, high pile storage issues, etc. A completed Hazardous Materials Inventory shall be submitted for each building for review by the Fire Department.
39. The building will have an automatic fire sprinkler system installed. The fire sprinkler system shall be designed per NFPA 13 & 24 Standards. If HPS is to occur, then NFPA 2311231-C Standards shall be met for ceiling fire sprinkler densities. Fire extinguishers are also required throughout the building.
40. Fire hydrants are required on site at 300-foot intervals. An additional fire hydrant shall be installed along Industrial Parkway SW at the entrance: this shall be a public hydrant. Fire hydrants shall be double-steamer type with two 4½" outlets and one 2½" outlet. Fire flows shall meet the 1998 CFC, Appendix III-A. Minimum flows for the private fire hydrants shall be 2500 GPM @ 20 PSI.
41. The applicant shall comply with all requirements of the Uniform Fire Code and the City's Hazardous Materials Ordinance including but not limited to the following:
 - a. Demolition and construction activities shall meet the requirements of the Hayward Fire Code, Article 87 - "Fire Safety During Construction, Alteration or Demolition of a Building",
 - b. Emergency access shall meet the Hayward Fire Department standards for emergency vehicle turning radius,
 - c. The trash enclosure shall be of a non-combustible construction.
 - d. Fire lanes shall be identified with red curbing and signage.

42. The project shall comply with the requirements of the Hayward Security Ordinance, dated October 16, 1990. Building addresses shall be installed in approved locations on the building so as to be visible from the street, or provided on a monument sign at the driveway entrances.
43. Any public telephone(s) shall be located within the interior of the building, unless otherwise authorized by the Planning Director. Any public telephone allowed to be installed on the exterior of the building shall be limited to out-going calls only and shall be located near the store entry.

Solid Waste

44. The owner(s) and/or tenants shall participate in the City's recycling program. The applicant shall clearly indicate the proposed location and dimensions of each enclosure, indicating whether the trash and recyclables will be compacted. The applicant must also indicate the number and type of refuse and recycling containers that will be used. The space and available capacity provided for the storage of trash must be the same size as that provided for recyclables. The procedure that must be followed regarding sorting and collection of recyclables is provided for in Section 3.2.02 of the Franchise Agreement.
45. A 6-inch wide curb or parking bumpers must be provided along the interior perimeter of trash enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper: at least 3 foot long, should also be placed between the refuse dumpster(s) and the recycling containers.
46. A minimum space of 12 inches must be maintained between the dumpster(s) and the walls of any trash enclosure and the recycling carts/dumpster to allow for maneuvering the dumpster(s). A drain to the sanitary sewer should be provided beneath the refuse dumpster(s) wherever wet waste, such as food waste, is generated and wherever can washing areas are located.
47. If any equipment/trash enclosure is gated, the gates and hinges must be flush with the enclosure wall. It is important to ensure that the gates open straight out and that the hinges and that the gate be flush with the enclosure wall, in order to allow adequate maneuverability of the equipment/dumpster in and out of the enclosure to service it.
48. The applicant must ensure that there is adequate space for a garbage truck to service each dumpster. A 40-foot turning radius is adequate for garbage trucks.
49. The applicant is required to submit for review by the Solid Waste Manager an on-site recycling plan, which would be implemented during the entire demolition and construction phases. The plan must:
 - a Show the anticipated start and completion dates of the project.
 - b: Estimate the quantities of construction and demolition waste that will be generated by the project.

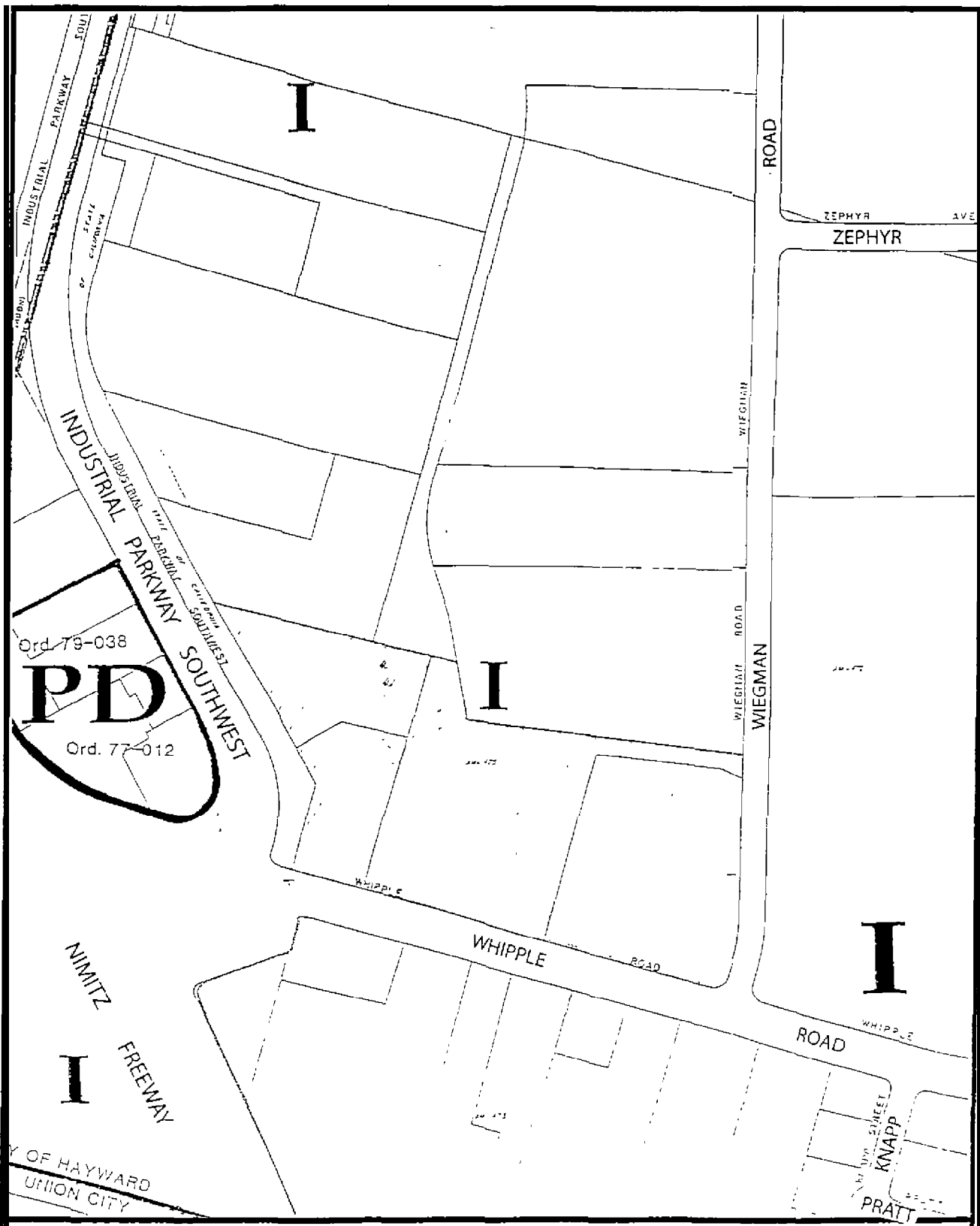
- c. Estimate the quantities of material that will be recycled and identify the facilities that will be used.
- 50. The applicant must ensure that construction and demolition debris is removed from the site by a licensed contractor as an incidental part of a total construction, remodeling, or demolition service offered by that contractor, rather than as a separately contracted or subcontracted hauling service using debris boxes, or is directly loaded onto a fixed body vehicle and hauled directly to a disposal facility that holds all applicable permits.
- 51. The applicant shall provide for adequate on-site storage capacity for recyclables within the buildings, including storage space for containers to store paper, glass/plastic/metal beverage containers, and other recyclables where these materials are generated.
- 52. The applicant shall ensure that the specifications of any compactor meet the approval of Waste Management.
- 53. The applicant must contact the City's franchised hauler, Waste Management of Alameda County, at 537-5500 to arrange for delivery of containers with sufficient capacity to store construction and demolition materials to be landfilled.

Engineering/Transportation Division

- 54. The new box culvert over the flood control channel shall be designed to withstand the GVM of fire apparatus (50,000 lbs.).
- 55. The property frontage along Industrial Parkway SW shall be improved with standard curb, gutter, sidewalk and tie-in pavement. The street alignment shall conform to the Precise Plan Line per **City** file H-635.
- 56. Dedicate right-of-way on Whipple Road **to accommodate the** proposed right-turn lane and sidewalk; dedication shall be made prior to issuance of any building permit. Remove the existing sidewalk along Whipple Road and construct a 5½-foot Portland cement concrete sidewalk abutting the curb.
- 57. Whipple Road shall be restriped to include a westbound right-turn lane at Industrial Parkway SW, and a westbound thru-lane. The developer is responsible for coordinating the necessary traffic signal modifications with CalTrans. The restriping will **also** require the removal of parking on the south side of Whipple Road between Industrial Parkway SW and Wiegman Road.
- 58. Install an island at the Whipple Road main driveway to provide for right-turn out only
- 59. Install a two-way left-turn lane on Whipple Road between Industrial Parkway SW and Wiegman Road as shown in the traffic study dated September 7, 2000. The northerly stretch

of Whipple Road directly adjacent to the main driveway shall be striped with the words “KEEP CLEAR” to provide a break for left-turn movements.

60. Install a raised median on Whipple Road to prevent left turns into the project driveway directly east of the Whipple Road/Wiegman Road intersection, as shown in the traffic study dated September 7, 2000.
61. Raised medians with a width of 5 feet or greater, between curbs, shall be landscaped at the discretion of the Planning Director; automatic irrigation shall be provided where landscaped. Raised medians of lesser width shall consist of decorative materials between curbs.
62. A preliminary soils report shall be submitted for review and approval of the City Engineer prior to the issuance of a building permit.
63. The applicant shall provide appropriate signage at project entrances and exits. Signage shall meet CalTrans standards. The applicant shall install “Right Turn Only” signs at the exits of all driveways on Industrial Parkway SW and Whipple Road.
64. All overhead utility lines along Industrial Parkway SW and Whipple Road shall be placed underground.
65. The applicant shall pay the appropriate Supplemental Building Construction & Improvement Tax prior to receipt of a certificate of occupancy.
66. Prior to commencement of any clearing, grading or excavation, the developer shall submit evidence to the City that a Notice of Intent (NOI) has been submitted to the State Water Resources Control Board.



Area & Zoning Map

UP00-160-1 1

Northeast Corner of Whipple Road and Industrial Parkway Southwest

Applicant: GRAE Ventures, Inc.

Owner: Sellau Properties, Inc & Wirrulla Hayward, LLC



**DEPARTMENT OF
COMMUNITY AND ECONOMIC DEVELOPMENT
Planning Division**

MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

USE PERMIT/SITE PLAN REVIEW 00-160-11 – DAVID GILMORE for GRAE VENTURES INC. (APPLICANT) / WIRULLA HAYWARD, LLC & SELLAU PROPERTIES, INC (OWNER) Request for a Use Permit application to construct a Commercial Retail Center consisting of one retail building of approximately 129,600 square feet, one pad area for a future 25,000-square-foot-maximum building, a 4-pump island attended membership gas station, pylon and monument signs, on an approximately 13-acre site.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

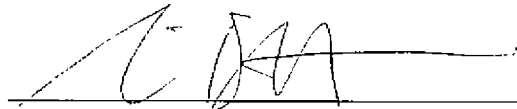
The proposed project, as conditioned, will have no significant effect on the area's resources, cumulative or otherwise.

III. FINDINGS SUPPORTING DECLARATION:

1. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project is in conformance with the General Policies Plan Map designation of Industrial Corridor. It has been determined that regional commercial centers may be compatible on lands of 4 acres or greater with direct freeway access, such as the proposed project is located on a 13-acre parcel with access to I-880 (Nimitz Freeway).
3. The project is in conformance with the intent and purpose of the Zoning Ordinance designation of Industrial (I) as proposed.

4. The **project** will not affect population projections, induce substantial growth or displace existing housing.
5. The project site is not located within a *'State of California Earthquake Fault Zone.' Construction related to this project will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground-shaking and liquefaction.
6. The project site contains wetlands under the jurisdiction of the Army Corps of Engineers, an area equal to 3.43 acres. The project proposes to preserve 0.54 acre of on-site seasonal wetland habitat, and compensate for the remainder through either the purchase of mitigation credits, or through off-site restoration at a 1:1 ratio. However, the project is subject to the issuance of a Department of the Army Individual Permit, a Section 401 Water Quality Certification, and a California Department of Fish & Game Streambed Alteration Agreement regarding the wetlands mitigation plan and the improvements to the flood control channel. This project is subject to, and shall comply with, all requirements and conditions of these permits, certifications and agreements. No endangered, threatened or rare species are known to inhabit the project site.
7. A requirement to reduce dust generation and exhaust emissions during construction, and the facilitation of traffic flow by traffic signal management, will reduce air quality impacts to a level of insignificance.
8. The project provides an additional eastbound left-turn lane and a westbound through-lane at Whipple Road/Industrial Parkway SW. Intersections will continue to operate at LOS D or better.
9. Construction related to this project would be designed to perform to applicable codes, and, therefore, would not be in conflict with adopted energy conservation plans.
10. The Fire Department will require appropriate measures to reduce any release of hazardous materials below an acceptable level of risk.
11. The project will have no effect on government services or utilities.
12. The project shall comply with the Hayward Design Guidelines, the Landscape Beautification Plan and all other applicable performance standards.
13. No known archaeological or paleontological resources exist on the project site.

IV. PERSON WHO PREPARED INITIAL STUDY:



Richard E. Patenaude, AICP, Acting Principal Planner

Dated: September 12, 2000

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Planning Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4213

DISTRIBUTION/POSTING

Provide copies to project applicants and all organizations and individuals requesting it in writing. Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.

Project file.

Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



REVISED

Environmental Checklist Form

1. Project title: **Use Permit/Site Plan Review 00-160-11**
2. Lead agency name and address: *City of Hayward Planning Division*
3. Contact person and phone number: *Richard Patenaude, AICP, Acting Principal Planner, 510-583-4213*
4. Project location, *Northeast corner of Whipple Road and Industrial Parkway Southwest*
5. Project sponsor's name and address:
David Gilmore, Grae Ventures Inc , 1801 Century Park East, Ste 1080, Los Angeles, CA 90067
6. General plan designation: *Industrial Corridor*
7. Zoning: *Industrial (I)*
8. Description of project: *Request for a Zone Change from "I" Industrial District to "TD" Planned Development District to accommodate construction of a Commercial Retail Center consisting of one retail building of approximately 129,600 square feet, one pad area for a future 25,000-square-foot-maximum building, a 4-pump island attended membership gas station, pylon and monument signs, on an approximately 13-acre site. The Planned Development District would allow for subdivision of the property such that the smaller building and the gas station could be on separate that are smaller than the 4-acre minimum required by the Industrial District for subregional/regional uses.*

The eastern portion of the site is currently vacant of structures, contains weeds, and surrounded by a 6-foot chain-link fence. The fence separates the eastern portion from the western portion of the property. The western portion is currently occupied by a one-story, approximately 20-foot high steel building and one 9-foot-high portable building, located within the northeastern section of the western portion of the site. These buildings will be removed/demolished to accommodate the proposed development.

An Alameda County flood control channel is located between the property and Industrial Parkway. It is about 35 feet wide and 6 feet deep. The existing culvert within the flood control channel, which currently allows for access to the western portion of the site, will be removed. A new larger-volume box culvert will be installed across the channel.

The proposed larger building will be located at the southeast corner of the site, with the storefront facing Industrial Parkway and the loading area facing Wiegman Road. The tire maintenance area will be located on the north side of the larger building so that the bay doors do not face Whipple Road. The pad elevation for this building is approximately 5 feet above the street level on Wiegman Road at the north end of the property. The smaller building is set back in the northwest portion of the site and faces Whipple Road.

The proposed gas station will be attended. It will include two restrooms, one unisex handicap accessible. The gas island is located so that the fuel trucks can maneuver through the parking lot to the island.

Access to the site is provided from four driveways: a driveway on Industrial Parkway SW, two driveways on Whipple Road, and a driveway on Wiegman Road. All driveways will be stop sign controlled for vehicles exiting the site. Primary truck access is provided from the driveway on Wiegman Road.

To mitigate the impacts of increased traffic, a westbound through-lane on Whipple Road, an eastbound left-turn lane at Whipple Road/Industrial Parkway SW, and an eastbound left-turn pocket into the center of the site are proposed

The project proposes to preserve approximately 0.54 acres of the existing 3.43 acres of wetland habitat and to provide offsite mitigation for 2.89 acres of direct impact seasonal wetlands and 0.04 acres of offsite perennial drainage. Extensive plantings and a fence will be provided around the on-site wetlands preserve area.

The larger building will be one story in height and of concrete tilt-up construction. It is designed in a classical architectural theme with strong detailing and a variety of textures that complement surrounding industrial and retail uses. The architectural style was specifically chosen as one appropriate to the use and location of the project. The materials and design depict and convey an industrial use which is consistent with its location and intended function. The pad architecture will complement this architectural style.

Several architectural treatments have been added to the buildings including planters and trellises. The south wall of the larger building will be treated with vine-covered metal trellises. The design theme is carried over to the gas station with the same materials and similar details.

The building elevations have been significantly upgraded on the west, south and east side, incorporating a new façade element on the south elevation that provides a contrast in building mass similar to that of the east elevation.

The project provides extensive landscape throughout the site. A combination of vertical-growth landscaping and vine-covered trellises will be provided along all elevations of both buildings to soften the visual impact of building mass. All loading areas that can be seen from the street or parking area will be densely screened with vertical masonry walls and landscaping.

The screen walls at each loading dock are 8 feet in height, and incorporate vertical trellis elements consistent with those provided on the other elevations. The 5-foot wide planters adjacent to the truck dock provide for plantings on the trellises. Plantings are also included between the larger building and the wetland area on the south side. Additional planters have been added to provide a tree for every six parking spaces.

A lighting plan has been prepared which proposes light poles in the main planters across the front of the larger building in order to illuminate the front of the building.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
North: Industrial (Burke Beverage of California distribution warehouse building and U-Save Rockery)
South: Commercial (CHP Hayward office building; Whipple Auto Body service building; Associates Parts and Brakes Supply commercial building; Motel 8 commercial building;
Crescent Trucks parking lot; Unocal 76 Gasoline Station)
East: Industrial (Reynolds Ball Can Plant – vacant)
West: Public (flood control canal)
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
US Army Corps of Engineers, California Department of Fish and Game
Regional Water Quality Control Board, Alameda County Flood Control District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:


The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

9/26/00

Date

Richard E. Patenaude
Printed Name

City of Hayward
Agency

A Copy of the Environmental Checklist Form is on File At City Hall in the Planning Department.

MITIGATION MONITORING PROGRAM
HAYWARD PLAZA
Whipple Road @ Industrial Parkway SW

1. *AESTHETICS* – No mitigation required
2. *AGRICULTURAL RESOURCES* – No mitigation required
3. *AIR QUALITY*

Mitigation Measure: Reduce intermittent air pollutants during construction phase

Implementation Responsibility: City

Verification Responsibility: City Building Division

Monitoring Schedule during Plan Review: N/A

Monitoring Schedule during Construction/Implementation: On-going during construction

4. *BIOLOGICAL RESOURCES*

Mitigation Measure: The project is subject to the issuance of a Department of the Army Individual Permit, a Section 401 Water Quality Certification. and a California Department of Fish & Game Streambed Alteration Agreement regarding the wetlands mitigation plan and the improvements to the flood control channel. This project is subject to. and shall comply with, all requirements and conditions of these permits, certifications and agreements. Compliance with these requirements and conditions will reduce the impact below significance.

Implementation Responsibility: City

Verification Responsibility: Public Works Department

Monitoring Schedule during Plan Review: N/A

Monitoring Schedule During Construction/Implementation: Condition of Approval – On-going during construction and prior to issuance of certificate of occupancy per Department of the Army Individual Permit, Section 401 Water Quality Certification, and Stream Alteration Agreement

5. *CULTURAL RESOURCES* – No mitigation required
6. *GEOLOGY / SOILS*

Mitigation Measure: Submit final grading plan and comply with UBC

Implementation Responsibility: City

Verification Responsibility: City Building Division

Monitoring Schedule during Plan Review: Prior to approval of building permit

Monitoring Schedule during Construction/Implementation: On-going during construction and prior to issuance of certificate of occupancy

7. *HAZARDS & HAZARDOUS MATERIALS* – No mitigation required

8. *HYDROLOGY / WATER QUALITY*

a. **Mitigation Measure:** Submit storm drain plan treat surface water prior to discharge into storm drain system

Implementation Responsibility: City

Verification Responsibility: City Engineering Division

Monitoring Schedule during Plan Review: Prior to approval of building permit

Monitoring Schedule During Construction/Implementation: Condition of Approval – On-going during construction and prior to issuance of certificate of occupancy

b. **Mitigation Measure:** Obtain Department of the Army Individual Permit, Section 401 Water Quality Certification, and Stream Alteration Agreement

Implementation Responsibility: City

Verification Responsibility: Public Works Department

Monitoring Schedule during Plan Review: Condition of Approval – Prior to approval of building permit

Monitoring Schedule during Construction/Implementation: Condition of Approval – On-going during construction and prior to issuance of certificate of occupancy

9. *LAND USE / PLANNING* – No mitigation required

10. *MINERAL RESOURCES* – No mitigation required

11. *NOISE* – No mitigation required

12. *POPULATION / HOUSING* – No mitigation required

13. *PUBLIC SERVICES* – No mitigation required

14. *RECREATION* – No mitigation required

15. *TRANSPORTATION / TRAFFIC*

Mitigation Measure: Add a westbound right-turn lane and a westbound thru-lane at Whipple Road/Industrial Parkway SW

Implementation Responsibility: City

Verification Responsibility: City Engineering Division

Monitoring Schedule during Plan Review: N/A

Monitoring Schedule during Construction/Implementation: Condition of Approval – Prior to opening of store to the public

16. *UTILITIES / SERVICE SYSTEMS* – No mitigation required